IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P. No. 22874 OF 2005

Date: 24.10.2005

BETWEEN:

S. Kannan

…. PETITIONER

Vs.

1. The Deputy Transport Commissioner & Secretary, Regional Transport Authority, Chittoor, and another.

…. RESPONDENTS

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 22874 OF 2005

ORAL ORDER:

The goods vehicle of the petitioner bearing No.HR-29-B-7956 was seized on 19.10.2005, on the ground that the petitioner failed to produce pollution certificate. The petitioner challenges the seizure.

Heard, Sri P. Govind Reddy, learned counsel for the petitioner and learned

Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 19.10.2005, issued by the 2nd respondent, discloses that the petitioner did not produce PUCC and proof of payment of tax. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. The goods vehicle bearing No.HR-29-B-7956, shall be released to the petitioner on his depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only).

The petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

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L. Narasimha Reddy, J.

24th October, 2005

Note: Issue C.C. tomorrow

(By order) / Js.